

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Xoran Technologies, LLC)	
)	
Plaintiff,)	Civil No.:
v.)	
)	JURY TRIAL DEMANDED
Planmed, Inc.)	
)	
Defendant.)	
)	

COMPLAINT

Plaintiff, Xoran Technologies, LLC (“Xoran”), for its Complaint for patent infringement against Planmed, Inc. (“Planmed” or “Defendant”), alleges the following:

NATURE OF THE SUIT

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, to prevent and enjoin Defendant from infringing and profiting from, in an unlawful and unauthorized manner, U.S. Patent No. 7,224,764 B2 (the “764 patent”), (attached hereto as Exhibit A), pursuant to 35 U.S.C. § 271. Xoran also seeks to recover damages, attorneys’ fees, and costs.

PARTIES

2. Xoran Technologies LLC is a Michigan limited liability company having its principal place of business at 5210 South State Road, Ann Arbor, MI 48108.

3. Xoran is a pioneer in the field of Cone Beam Computed Tomography (“CBCT”) scanning, having invested millions of dollars in advancing the state of low-dose radiation, cone-based CT technologies. Xoran currently has several physical CBCT scanners in the market; the MiniCAT, MiniCAT IQ, the xCAT, and the VetCAT.

4. Defendant Planmed is an Illinois corporation headquartered at 100 N. Gary Ave., Roselle, Illinois. Planmed is a competitor of Xoran.

5. Planmed currently sells a line of CT scanners under the tradename Verity. Planmed, through its manufacture and sale of Verity scanners, is infringing Xoran's patent-in-suit.

JURISDICTION AND VENUE

6. Xoran's claims for patent infringement against Planmed arise under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281. Consequently, this Court has original subject matter jurisdiction over this suit under 28 U.S.C. §§ 1331 and 1338.

7. Planmed is subject to jurisdiction of this Court because, among other things, Planmed is headquartered in Roselle, Illinois.

8. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

PATENT INFRINGEMENT

FIRST CLAIM FOR INFRINGEMENT

(Infringement of U.S. Patent No. 7,223,764 B2)

9. Xoran incorporates by reference Paragraphs 1 - 8 of this Complaint as if set forth below.

10. Xoran owns all right, title, and interest in, and has standing to sue for infringement of the '764 patent, entitled "Stand-Up CT Scanner," which was duly issued by the United States Patent Office on May 29, 2007.

11. Planmed has infringed and is infringing the '764 patent at least through its manufacture, importation, sale, and offers for sale of Verity scanners.

12. Planmed has infringed and continues to infringe the '764 patent, literally and under the doctrine of equivalents, including, but not limited to, claims 1, 2, 3, 4, 5, 6, and 7.

13. By way of example, claim 1 is directed to a CT scanner comprising a generally upright rail with a carriage movable along the rail. Planmed's Verity scanner has a generally upright rail with a carriage movable along the rail:



14. Claim 1 additionally includes a motor mounted to drive the carriage along the rail. Planmed's Verity scanner likewise has a motor mounted to drive the carriage along the rail:

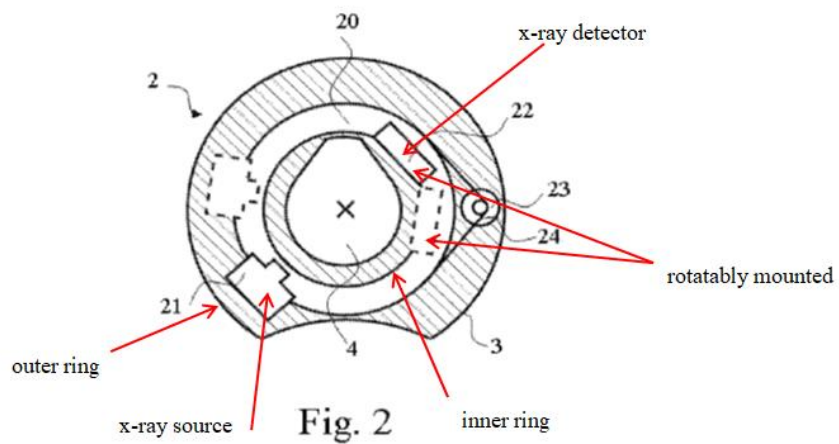
Adaptable gantry with soft surface

Planmed Verity® Extremity CT Scanner provides motorized gantry with adjustable height and tilt for the best possible extremity positioning. Dedicated, carbon fiber positioning trays ensure that the target is always perfectly positioned in the field of view (FOV). During the imaging, the patient can lean on a comfortable, soft gantry that reduces discomfort and thereby motion artefacts.



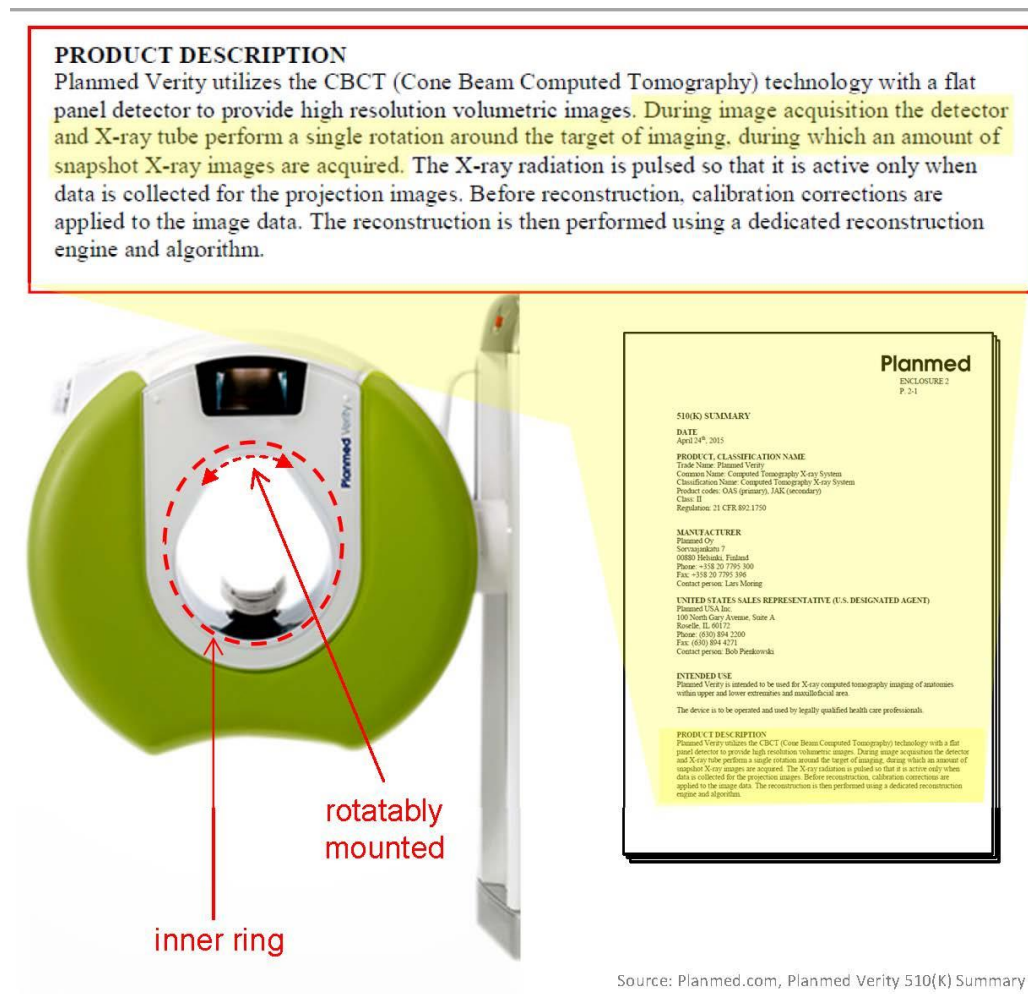
Source: Planmed.com Brochure

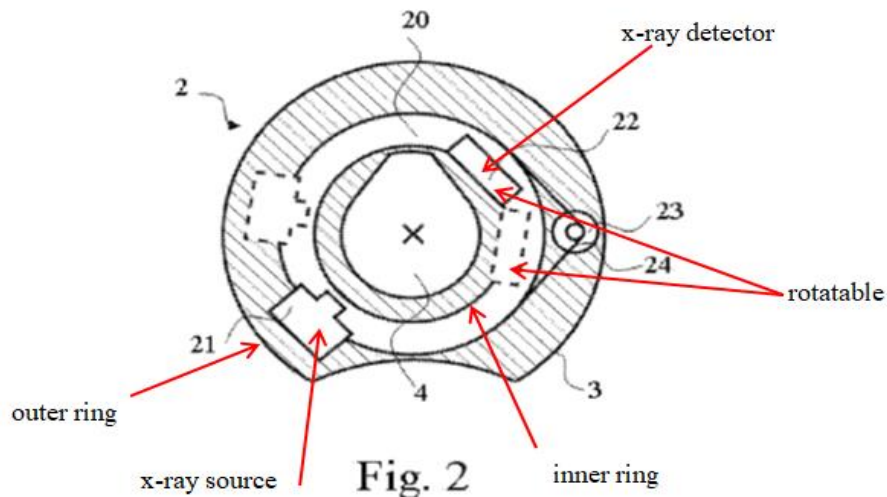
15. Claim 1 also includes an outer ring mounted to the carriage, and an inner ring rotatably mounted within the outer ring where the inner ring and the outer ring are cantilevered from the rail. Planmed's Verity scanner likewise has an outer ring mounted to the carriage, and an inner ring rotatably mounted within the outer ring where the inner ring and the outer ring are cantilevered from the rail:



Source: Planned U.S. Patent No. 9,687,202

16. Claim 1 also includes an x-ray source mounted to the inner ring and an x-ray detector mounted opposite the source and rotatable with the source. Planned's Verity scanner likewise includes an x-ray source mounted to the inner ring and an x-ray detector mounted opposite the source and rotatable with the source:





Source: Planned U.S. Patent No. 9,687,202

17. Planned has been aware of Xoran's '764 patent since at least October of 2015, when Xoran sent Planned Oy (Planned's Finnish parent) a claim chart matching the claims of the '764 patent against the Verity scanner.

18. Planned has continued its infringing activities, despite knowing that there was at least an objectively high likelihood that its actions constituted infringement of the '764 patent. This case is, therefore, beyond the norm and, hence, subject to discretionary enhancement of damages under 35 U.S.C. § 284 and attorneys' fees and costs under 35 U.S.C. § 285.

19. Xoran has been and continues to be damaged by Planned's actions.

20. To the extent required by law, Xoran has complied with all applicable provisions of 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Xoran prays for the following relief:

A. A judgment finding that Planned has infringed the '764 patent under 35 U.S.C. § 271(a), (b) and (c);

- B. A judgment finding that Planmed's infringement was willful and intentional, and an award of treble damages;
- C. A judgment that the '764 patent is valid and enforceable;
- D. A permanent injunction enjoining Planmed, its agents, officers, assigns and others acting in concert with them, from infringing the '764 patent;
- E. An award of damages adequate to compensate Xoran for the infringement of the '764 patent that has occurred;
- F. An award of pre-judgment interest and post-judgment interest on the damages awarded;
- G. A judgment that Xoran is entitled to discretionary enhancement of its damages and other relief provided by 35 U.S.C. § 284;
- H. A determination that this is an exceptional case and an award of Xoran's attorneys' fees pursuant to 35 U.S.C. § 285 and any other applicable statute or law, and an award to Xoran of its costs; and,
- I. Such other further relief as the Court deems reasonable.

JURY DEMAND

Plaintiff demands a trial by jury on all issues triable to a jury.

Dated: October 3, 2017

Respectfully submitted,

/s/ Paul K. Vickrey

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